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10
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

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15 ALBERT JONES,

16 Defendant.

Case No.: 2:16-CR-00062-LRH-EJY

ORDER APPROVING Stipulation To
Vacate And Continue Sentencing
Hearing

(First Request)

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19 **Certification: This Pleading is Timely Filed**

20 The undersigned parties respectfully submit the following Stipulation and
21 Proposed Order for the Court's consideration.

22 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
23 parties, that the Rule 32 sentencing hearing presently set for **May 5, 2020** be **vacated and**
24 **continued for no less than 60 days from May 5, 2020**, at a date and time convenient for the

1 Court.

2 The parties further stipulate that the requested continuance is warranted for the
3 following reasons:

4 1. On March 5, 2020, the Court set this matter for a Rule 32 sentencing hearing at
5 10:30 a.m., on May 5, 2020. ECF No. 318.

6 2. After the Court set the hearing, and on March 30, 2020, the Chief Judge for the
7 District of Nevada entered Temporary General Order 2020-05, regarding Authorization for
8 Video and Teleconferencing Under the CARES Act And The Exigent Circumstances Created
9 By COVID-19 And Related Coronavirus (hereinafter “General Order”). The General Order is
10 in effect for **90 days** from date of entry and addresses the material effect upon the functioning
11 of the Court brought on by the current state of emergency arising from the COVID-19 and
12 Coronavirus pandemic. The General Order finds, among other things, that for the duration of
13 the General Order, in-person Rule 32 felony sentencing hearings cannot be conducted in the
14 District of Nevada without seriously jeopardizing public health and safety. The General Order
15 further provides that Rule 32 sentencing hearings may, with the consent of the defendant
16 (upon advice of counsel), proceed by video or teleconference in individual cases, provided that
17 the presiding Court specifically finds that to delay the matter further will cause serious harm to
18 the interests of justice. *See also* CARES Act, H.R. 748, Public Law No. 116-136.

19 3. The defendant desires an in-person Rule 32 sentencing hearing and the parties
20 agree that further delay to accommodate an in-person hearing will not cause serious harm to the
21 interests of justice. Accordingly, a continuance of the Rule 32 sentencing hearing for a period of
22 at least 60 days from May 5, 2020 – which is outside the 90-day duration of the General Order
23 – is appropriate.

24 4. Defendant Albert Jones is in custody and agrees to the proposed continuance.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALBERT JONES,

Defendant.

No. 2:16-CR-00062-LRH-EJY

ORDER

This matter coming on the parties' Stipulation to Continue Rule 32 Sentencing Hearing, the Court having considered the premises therein, and good cause showing, the Court accepts the Stipulation of the parties and finds as follows:

1. The parties agree to the continuance requested in the Stipulation;
2. Defendant is in custody and does not object to the continuance;
3. The Court adopts and incorporates herein in full, District of Nevada, Temporary General Order 2020-05 of March 30, 2020, regarding Authorization for Video and Teleconferencing Under the CARES Act And The Exigent Circumstances Created By COVID-19 And Related Coronavirus (hereinafter "General Order"), including the finding that in light of the current state of emergency brought on by the COV-19 pandemic, and during the time the General Order is in effect, the Court cannot conduct an in-person Rule 32 sentencing hearing without serious risk to the health and safety of the public and the parties involved in this matter;

1 4. The defendant desires an in-person Rule 32 sentencing hearing and no facts have
2 been presented to the Court to show that further delay of the hearing will seriously harm the
3 interests of justice in this case;

4 5. The General Order is in effect for 90 days from March 30, 2020. Accordingly,
5 pursuant to the Stipulation, the Court will continue and set the date for Rule 32 sentencing
6 hearing for **no less than 60 days** from May 5, 2020.

7 **IT IS THEREFORE ORDERED:**

8 1. The Rule 32 sentencing hearing set for **May 5, 2020 at 10:30 a.m.** is

9 **VACATED and CONTINUED;**

10 2. The Rule 32 sentencing hearing in this matter will commence on **Thursday,**
11 **July 16, 2020 at 10:30 a.m.** in a Courtroom to be announced at a later date.

12 **IT IS SO ORDERED** this 16th day of April, 2020:
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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE